IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

LUCAS CALIXTO, et al.,

Plaintiffs,

VS.

Civil Action No. 18-1551 (ESH)

DEPARTMENT OF THE ARMY, et al.,

Defendants.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS AND IN OPPOSITION TO PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION FOR LACK OF SUBJECT MATTER JURISDICTION

DUPLICATE FILING OF DEFENDANT'S OPPOSITION TO (ECF NO. 62) PLAINTIFF'S RENEWED MOTION FOR CLASS CERTIFCATION

Dated: January 25, 2019 Respectfully submitted,

JESSIE K. LIU, D.C. Bar # 472845 United States Attorney

for the District of Columbia

DANIEL F. VAN HORN, D.C. Bar # 924092

Chief, Civil Division

Of Counsel:

BY: <u>/s/ Roberto C. Martens, Jr.</u>
JEREMY A. HAUGH
ROBERTO C. MARTENS, JR.

Special Assistant United States Attorney

United States Attorney's Office

Civil Division

555 4th Street, N.W.

Washington, D.C. 20530

(202) 252-2574

roberto.martens@usdoj.gov

Attorneys for Defendants

Major, U.S. Army

JOSEPH G. NOSSE

Major, U.S. Army

U.S. Army Legal Services Agency

Litigation Division 9275 Gunston Road Fort Belvoir, VA 22060

(703) 693-1022

CERTIFICATE OF SERVICE

I certify that on this 25th day of January 2019, I served the corresponding memorandum of points and authorities in support of Defendants' motion to dismiss and in opposition to Plaintiff's renewed motion for class certification upon counsel for Plaintiffs by filing said document using the Court's Electronic Case Filing System.

Dated: January 25, 2019 /s/ Roberto C. Martens, Jr.

ROBERTO C. MARTENS, JR.
Special Assistant United States Attorney
United States Attorney's Office
Civil Division
555 Fourth Street, N.W.
Washington, D.C. 20530
(202) 252-2574
roberto.martens@usdoj.gov

Attorney for Defendants